

BEFORE THE
WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION
WASHINGTON, D. C.

ORDER NO. 116

Served December 22, 1961

IN THE MATTER OF:

Montgomery Charter Service, Inc.,)
for Temporary Authority)

Application No. 182

This matter came before the Commission upon the application of Montgomery Charter Service, Inc., Bethesda, Maryland, for temporary authority to conduct charter operations between all points in Montgomery County on the one hand and the Metropolitan District on the other and to conduct an operation between all points in Montgomery County on the one hand and the Washington National Airport on the other; such transportation to be performed by motor vehicles of not more than eight persons in any one vehicle, exclusive of driver and children under ten years of age who do not occupy a seat.

The application was protested by Airport Transport, Inc., and Airport Transport, Inc., of Virginia; D. C. Transit System, Inc.; A. B. & W. Transit Company; Gray Line and Diamond Tours.

This being a matter not requiring a hearing under the Compact, counsel for applicant and protestants agreed to a disposition of the application upon written affidavits and statements of the various interested parties.

Applicant and protestants have submitted lengthy affidavits and statements in support of their respective positions.

The granting of temporary authority is governed by Section 4(d)(3) of Article XII of the Compact, the pertinent part of which reads as follows:

"(3) To enable the provision of service for which there is an immediate and urgent need to a point or points or within a territory having no carrier service capable of meeting such need, the Commission may, in its discretion and without hearings

or other proceedings, grant temporary authority for such service..."

Under the above provision, not only must applicant show an immediate and urgent need for the service proposed to be rendered, but must also show that there is no existing carrier service capable of meeting such need. It is clear that, based on the facts contained in the affidavits and statements of protestants submitted in this case, there is carrier service available to meet any immediate and urgent need, if any, for the transportation service proposed to be rendered by applicant.

THEREFORE, IT IS ORDERED:

That the application of Montgomery Charter, Inc., for temporary authority, as more fully set out herein, be, and the same is, hereby denied.

FOR THE COMMISSION:

A handwritten signature in cursive script, appearing to read "Delmer Ison", written in dark ink.

DELMER ISON
Executive Director